

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

SAMSON TUG AND BARGE CO., INC., )  
an Alaska Corporation )  
Plaintiff/Appellant ) Case Number: A03-006 CV  
vs. ) Admiralty JWS  
UNITED STATES OF AMERICA, )  
Defendant/Appellee. )

**PLAINTIFF'S OPPOSITION TO MOTION BY DEFENDANT FOR  
PERMISSION TO FILE SURREPLY IN RESPONSE TO PLAINTIFF'S  
REPLY IN SUPPORT OF ITS MOTION IN LIMINE, ON SHORTENED TIME**

Motions practice before virtually any court, and certainly before this Court pursuant to Local Rule 7.1, contemplates a motion, an opposition and a reply. Thus, the moving party gets the last word.

Counsel for the Government wants to deviate from this practice so that now she gets the last word. One must suppose that any litigator faced with a reply to an opposition to a motion will find some further points that he or she wishes to make. The rules and normal practice do not indulge this wish, however, nor should that occur in this instance.

The undifferentiated assertion that “Samson has raised new issues and offered additional, allegedly supportive, material for the first time in its reply” is both insufficient to justify a sur-reply and inaccurate. Samson’s reply was entirely responsive analytically to the Government’s opposition.

The issues raised in Samson's motion in limine do not require further briefing. The Government has offered no justification for deviating from normal practice and giving it the last word.

WHEREFOR, for the foregoing reasons Plaintiff requests that the Government's Motion By Defendant For Permission To File Surreply In Response To Plaintiff's Reply In Support Of Motion In Limine, on Shortened Time be denied.

Respectfully submitted,

Dated: May 9, 2008

/s/ Richard D. Gluck

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 9, 2008, a copy of Plaintiff's Opposition To Motion By Defendant For Permission To File Sur-reply In Response To Plaintiff's Reply In Support Of Motion In Limine, on Shortened Time was served electronically and by first class mail, postage prepaid to the following:

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/s/ Richard D. Gluck  
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